

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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In re

Chapter 7

ALSHAMY REALTY, INC.,

Case No. 11-41839-ess

Debtor.

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PRE-HEARING ORDER

WHEREAS, on March 9, 2011, Alshamy Realty, Inc. filed a petition for relief under Chapter 7 of the Bankruptcy Code; and

WHEREAS, Debra Kramer has been appointed to serve as the trustee in this case; and

WHEREAS, on March 31, 2011, Irving Partners, LLC filed a motion for relief from the automatic stay with respect to the property located at 251 Irving Avenue, Brooklyn, New York (the "Property"), and excusing the receiver from compliance with 11 U.S.C. § 543(b)(1); and

WHEREAS, on April 27, 2011, the Debtor filed an affirmation in opposition to the Motion; and

WHEREAS, on April 28, 2011, the Court held a hearing on the Motion at which Irving Partners, LLC and the Debtor appeared and were heard, and the Court directed that on an interim basis and with the consent of the Chapter 7 Trustee, the receiver is excused from compliance with 11 U.S.C. § 543(b)(1).

NOW, THEREFORE, it is hereby

ORDERED, that the receiver is excused from compliance with 11 U.S.C. § 543(b)(1) through May 18, 2011; and it is further

ORDERED, that the Debtor is directed to serve Irving Partners, LLC and file with the Court an appraisal of the Property, if any, by May 9, 2011; and it is further

ORDERED, that counsel for all parties are directed to confer and then prepare, execute, and file with the Court a joint document captioned "Joint Pre-Hearing Statement." On or before May 10, 2011, the parties shall submit to the Court the Joint Pre-Hearing Statement, which shall set forth:

1. A statement of the material facts in dispute.
2. A statement of the material facts not in dispute.
3. A description of the legal and factual issues to be decided by the Court.
4. The estimated length of an evidentiary hearing.
5. A statement as to whether any attempts have been made at resolving any of the issues in dispute and any results of such attempts, and whether non-binding mediation under the Court's Alternative Dispute Resolution program, pursuant to Rule 9019-1 of the Local Rules for the United States Bankruptcy Court for the Eastern District of New York, would be of assistance.
6. Two copies of each exhibit to be offered by all parties. The exhibits should be pre-marked. In the event that there are more than 15 exhibits to be introduced at the evidentiary hearing, the exhibits should be tabbed or included in a binder for easy reference.
7. A list of the fact and expert witnesses to be called by each party and a statement as to which disputed issues of fact such witness' testimony will be directed.

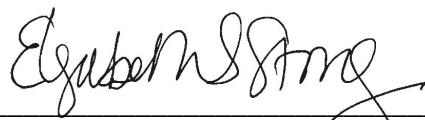
It is expected that a single Joint Pre-Hearing Statement will be filed. However, if for any reason, a single Joint Pre-Hearing Statement cannot be filed, separate Pre-Hearing Statements, together with an affirmation of counsel stating why a Joint Pre-Hearing Statement could not be filed, may be filed; and it is further

ORDERED, that a continued hearing on the Motion will be held on May 18, 2011, at 3:00 a.m. before the Honorable Elizabeth S. Stong, United States Bankruptcy Court for the Eastern

District of New York, 271 Cadman Plaza East, Courtroom 3585, Brooklyn, New York 11201.

Dated: Brooklyn, New York
April 29, 2011




Elizabeth S. Strong
United States Bankruptcy Judge

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